



February 14, 2001

SENATE BILL No. 16

DIGEST OF SB 16 (Updated February 13, 2001 4:22 pm - DI kc)

Citations Affected: IC 13-11; IC 13-19; IC 13-20; noncode.

Synopsis: Solid waste processing. Allows the department of environmental management to prohibit the disposal of specific solid waste at a solid waste disposal facility. Removes references to "industrial waste" from the law pertaining to solid waste management. Provides that there is no solid waste disposal fee for solid waste disposed in a solid waste landfill permitted to accept restricted waste solely generated by the person to whom the permit is issued. Requires the solid waste management board to adopt rules to reflect the elimination and repeal of references to industrial waste and special waste. Requires a generator of solid waste to notify a waste-to-energy facility when it ships certain types of solid waste in bulk quantities. Repeals statutes relating to industrial waste and transportable waste.

Effective: July 1, 2001.

Riegsecker

January 8, 2001, read first time and referred to Committee on Rules and Legislative Procedure.
February 13, 2001, amended; reassigned to Committee on Environmental Affairs.

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SB 16—LS 6150/DI 13+



February 14, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 16

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-133, AS AMENDED BY P.L.138-2000,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 133. (a) "Municipal waste", for purposes of:

- 4 (1) IC 13-20-4;
5 (2) IC 13-20-6;
6 (3) IC 13-20-21;
7 (4) IC 13-20-23;
8 (5) IC 13-22-1 through IC 13-22-8; and
9 (6) IC 13-22-13 through IC 13-22-14;

10 means any garbage, refuse, industrial lunchroom or office waste, and
11 other similar material resulting from the operation of residential,
12 municipal, commercial, or institutional establishments and community
13 activities.

14 (b) The term does not include the following:

- 15 ~~(1) Industrial waste (as defined in section 109.5 of this chapter).~~
16 ~~(2) (1) Hazardous waste regulated under:~~
17 (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through

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- 1 IC 13-22-14; or
 2 (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et
 3 seq.), as in effect on January 1, 1990.
 4 ~~(3)~~ **(2)** Infectious waste (as defined in IC 16-41-16-4).
 5 ~~(4)~~ **(3)** Wastes that result from the combustion of coal and that are
 6 referred to in IC 13-19-3-3.
 7 ~~(5)~~ **(4)** Materials that are being transported to a facility for
 8 reprocessing or reuse.
 9 (c) As used in subsection ~~(b)(5)~~, **(b)(4)**, "reprocessing or reuse" does
 10 not include either of the following:
 11 (1) Incineration.
 12 (2) Placement in a landfill.
 13 SECTION 2. IC 13-11-2-193 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 193. "Restricted
 15 waste", for purposes of IC 13-20-21, means waste disposed of at a
 16 restricted waste site (as defined in ~~329 IAC 2-2-1(b)(46)~~
 17 **329 IAC 10-2.5-1(b)(57)**).
 18 SECTION 3. IC 13-11-2-206 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 206. "Solid waste
 20 disposal facility", for purposes of **IC 13-19-3-8**, IC 13-20-4, ~~and~~
 21 IC 13-20-6, **and IC 13-20-21-6** means a facility at which solid waste
 22 is:
 23 (1) deposited on or beneath the surface of the ground as an
 24 intended place of final location; or
 25 (2) incinerated.
 26 SECTION 4. IC 13-11-2-208, AS AMENDED BY P.L.138-2000,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2001]: Sec. 208. "Solid waste landfill", for purposes of
 29 ~~IC 13-20-7-5~~, IC 13-20-9, **IC 13-20-21-6**, and IC 13-22-9, means a
 30 solid waste disposal facility at which solid waste is deposited on or
 31 beneath the surface of the ground as an intended place of final location.
 32 SECTION 5. IC 13-11-2-212 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 212. (a) "Solid waste
 34 processing facility", for purposes of **IC 13-19-3-8**, IC 13-20-4 and
 35 IC 13-20-6, means a facility at which at least one (1) of the following
 36 is located:
 37 (1) A solid waste incinerator.
 38 (2) A transfer station.
 39 (3) A solid waste baler.
 40 (4) A solid waste shredder.
 41 (5) A resource recovery system.
 42 (6) A composting facility.



(7) A garbage grinding system.

(b) The term does not include a facility or operation that generates solid waste.

SECTION 6. IC 13-19-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. The department may modify a permit to prohibit the processing or disposal of specific solid waste at a solid waste disposal facility or a solid waste processing facility.**

SECTION 7. IC 13-20-1-1, AS AMENDED BY P.L.138-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

(1) produces solid ~~or industrial~~ waste as a byproduct of or incidental to its regular business activity; and

(2) disposes of the solid ~~or industrial~~ waste at a site that meets the following conditions that is:

(A) owned by the individual, corporation, partnership, or business association; and

(B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid ~~or industrial~~ waste produced by:

(i) that individual, corporation, partnership, or business association; or

(ii) a subsidiary of an entity referred to in item (i).

SECTION 8. IC 13-20-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. A generator shipping a solid waste in bulk quantities to a waste-to-energy facility must notify the facility prior to the facility accepting the solid waste if the solid waste:**

(1) is a volatile liquid or solid, powder, flammable material, allergen or sensitizer; and

(2) has been segregated from other solid waste or received special preparation for shipment.

SECTION 9. IC 13-20-21-6, AS AMENDED BY P.L.138-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) For solid waste, the disposal fees are as follows:

	Fee
Municipal Waste per ton	
Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10



1 ~~Industrial Waste per ton~~
 2 **Solid waste disposed into a nonmunicipal**
 3 **solid waste landfill per ton** \$ 0.10
 4 ~~Municipal Waste Disposed of at an Incinerator per ton~~
 5 **Solid waste disposed into an incinerator**
 6 **per ton** \$ 0.05
 7 ~~Construction/Demolition Waste per ton~~
 8 **Solid waste disposed into a**
 9 **construction/demolition waste site per ton** \$ 0.10
 10 **(b) There is no solid waste disposal fee for solid waste disposed**
 11 **in a solid waste landfill permitted to accept restricted waste solely**
 12 **generated by the person to which the permit is issued.**
 13 **SECTION 10. [EFFECTIVE JULY 1, 2001]: (a) The solid waste**
 14 **management board shall adopt rules under IC 4-22-2 to reflect the**
 15 **elimination and repeal of references to industrial waste in this act**
 16 **and the elimination and repeal of references to special waste in**
 17 **SECTIONS 2, 5, 6, 7, 9, and 11 of P.L.138-2000.**
 18 **(b) This SECTION expires July 1, 2003.**
 19 **SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE**
 20 **JULY 1, 2001]: IC 13-11-2-109.5; IC 13-20-4-8; IC 13-20-7.5;**
 21 **P.L.138-2000, SECTION 10.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 16 and that Senator Riegsecker be substituted therefor.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 16, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 16 as introduced.)

GARTON, Chairperson

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